UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ACADEMY OF MOTION PICTURES ARTS AND SCIENCES, a California non-profit corporation, Plaintiff, v. AMPAS.COM, an Internet domain name, Defendant.	Civil Action No. 1:07-cv-356-LMB-LO

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
ITS MOTION FOR AN ORDER TO PUBLISH NOTICE OF ACTION

Plaintiff ACADEMY OF MOTION PICTURES ARTS AND SCIENCES ("A.M.P.A.S."), by counsel, respectfully submits this memorandum of law in support of its motion for an order pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb) to publish notice of this *in rem* action against the Internet domain name AMPAS.COM (the "Domain Name").

ARGUMENT

On April 13, 2007, Plaintiff filed its Complaint in this *in rem* action (the "Complaint" or "Cmplt."). The Complaint alleges, *inter alia*, a claim under the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d) (the "Act"). (Cmplt. ¶¶ 24-27.)

Since 1929, Plaintiff has held an annual ACADEMY AWARDS® ceremony where it confers an "Award of Merit," known to the public as an "Oscar," in over twenty (20) categories of achievement. (Cmplt. ¶ 8.) Since its first televised ceremony on March 19, 1952, the ACADEMY AWARDS® ceremony has grown into a nationally and internationally televised event that is seen in live or delayed broadcast in over two hundred countries and territories, including the People's Republic of China. (*Id.*)

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The defendant Domain Name, which incorporates Plaintiff's famous A.M.P.A.S.® mark plus the descriptive suffix for the ".com" domain, is registered to Lin ZanSong at the address of 1688 RM RD., Wenzhou, Zhejiang, China 325000 (the "Domain Name Registrant"). (*Id.* ¶ 3.)

To the best of Plaintiff's knowledge and information, the Domain Name Registrant is a citizen of, and resides in, China and is not subject to *in personam* jurisdiction anywhere in the United States. (*Id.* ¶ 6.) In these circumstances, the Act authorizes Plaintiff to proceed *in rem* against the Domain Name. 15 U.S.C. § 1125(d)(2)(A)(ii).

The Act provides that in *in rem* actions such as this one, service of process shall be made by:

> (aa) sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and
>
> (bb) publishing notice of the action as the court may direct promptly after filing the action.

15 U.S.C. §§ 1125(d)(2)(A) and (B). Plaintiff has complied with the requirements of subsection (aa) above, as set forth in the Declaration of Maureen E. Carr filed herewith, by providing the Domain Name Registrant with notice of the alleged violations and intent to proceed under the Act to the postal and e-mail addresses on file with the registrar of the Domain Name. Thus, all that remains to complete service of process is the published notice as may be directed by the Court. Plaintiff requests an order that notice shall be given by a single publication in *The Washington Post* as set forth in the proposed Order submitted herewith.

CONCLUSION

For the reasons set forth above, Plaintiff requests that this motion be granted and that the Court enter the proposed Order submitted herewith.

DATED: June 5, 2007

REES BROOME, PC

By: ________/s/______________

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the Clerk of the Court using the CM/ECF system, and that a copy was served via Federal Express and email on the registrant of the defendant domain name, which is a non-filing user, at the postal and email addresses set forth below:

Lin ZanSong
1688 RM RD.
Wenzhou, Zhejiang
China 325000
Email: master@21cn.net

this 5th day of June, 2007.

__________/s/________________
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